IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.233 Of 2006.

Kanhaya Lal Kumawat Vs. Satya Narain Kumawat

Date Of Order ::: 22.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. M.M. Ranjan, Counsel for defendant-appellant
Mr. Manish Sharma, Counsel for plaintiff-respondent

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondent filed a suit for eviction in respect of the rented property in the Lower Court, which was decreed on the ground of personal bonafide necessity. The judgment and decree passed by the Lower Court has been affirmed by the First Appellate Court also.

I have heard the learned counsel for both the parties and after considering their submissions, I find that the controversial issues involved in the present case are relating to the question of facts and there is

a concurrent finding of fact recorded by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

Apart from above, the learned counsel for the plaintiff-respondent further submits that in execution of the decree of the Courts below, the respondent has already taken possession of the rented shop on 18.09.2006.

No substantial question of law involved in this second appeal and the same is accordingly dismissed at the admission stage itself with no order as to costs.

(Narendra Kumar Jain) J.